

As Passed by the House

134th General Assembly

Regular Session

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Sub. H. B. No. 226

Representatives Pavliga, Miller, A.

Cosponsors: Representatives Brown, Crawley, Brent, Grendell, Gross, Ingram, Lightbody, Russo, Stoltzfus, Sobecki, Troy, Weinstein, Abrams, Baldrige, Boyd, Carfagna, Carruthers, Click, Creech, Galonski, Ghanbari, Ginter, Hicks-Hudson, Hoops, Humphrey, Jarrells, John, Johnson, Kick, Lanese, LaRe, Lepore-Hagan, Loychik, McClain, Miller, J., O'Brien, Oelslager, Plummer, Ray, Richardson, Schmidt, Smith, K., Smith, M., Stein, Stephens, Swearingen, Sweeney, Upchurch, West, White, Wilkin, Young, T., Speaker Cupp

A BILL

To amend sections 2921.03 and 2921.04 of the 1
Revised Code to expand intimidation offenses to 2
include guardians ad litem and court appointed 3
special advocates. 4

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2921.03 and 2921.04 of the 5
Revised Code be amended to read as follows: 6

Sec. 2921.03. (A) No person, knowingly and by force, by 7
unlawful threat of harm to any person or property, or by filing, 8
recording, or otherwise using a materially false or fraudulent 9
writing with malicious purpose, in bad faith, or in a wanton or 10
reckless manner, shall attempt to influence, intimidate, ~~or~~ 11
hinder, abuse, threaten, or harass ~~any of the following in the~~ 12
discharge of the person's duties: 13

(1) A public servant,~~a;~~ 14

(2) A party official, ~~or an~~; 15

(3) An attorney ~~or~~, a witness, a guardian ad litem, or a 16
court appointed special advocate involved in a civil action or 17
proceeding, including a domestic relations or juvenile action or 18
proceeding, in the discharge of the person's the duties of the 19
public servant, party official, attorney, or witness if the 20
offender knew or had reason to know that the person was an 21
attorney, a witness, a guardian ad litem, or a court appointed 22
special advocate. 23

(B) Whoever violates this section is guilty of 24
intimidation~~r~~. If the victim of the offense is a guardian ad 25
litem or a court appointed special advocate, a violation of this 26
section is a misdemeanor of the first degree. If the victim of 27
the offense is a public servant, a party official, an attorney, 28
or a witness, a violation of this section is a felony of the 29
third degree. 30

(C) A person who violates this section is liable in a 31
civil action to any person harmed by the violation for injury, 32
death, or loss to person or property incurred as a result of the 33
commission of the offense and for reasonable attorney's fees, 34
court costs, and other expenses incurred as a result of 35
prosecuting the civil action commenced under this division. A 36
civil action under this division is not the exclusive remedy of 37
a person who incurs injury, death, or loss to person or property 38
as a result of a violation of this section. 39

Sec. 2921.04. (A) No person shall knowingly attempt to 40
intimidate~~or~~, hinder, abuse, threaten, or harass the victim of 41
a crime or delinquent act in the filing or prosecution of 42
criminal charges or a delinquent child action or proceeding, and 43
no person shall knowingly attempt to intimidate, abuse, 44

threaten, or harass a witness to a criminal or delinquent act by 45
reason of the person being a witness to that act if the offender 46
knew or had reason to know that the person was a witness. 47

(B) No person, knowingly and by force or by unlawful 48
threat of harm to any person or property or by unlawful threat 49
to commit any offense or calumny against any person, shall 50
attempt to influence, intimidate, ~~or hinder,~~ abuse, threaten, or 51
harass any of the following persons: 52

(1) The victim of a crime or delinquent act in the filing 53
or prosecution of criminal charges or a delinquent child action 54
or proceeding; 55

(2) A witness to a criminal or delinquent act by reason of 56
the person being a witness to that act if the offender knew or 57
had reason to know that the person was a witness; 58

(3) An attorney, guardian ad litem, or court appointed 59
special advocate, by reason of the attorney's person's 60
involvement in any criminal or delinquent child action or 61
proceeding if the offender knew or had reason to know that the 62
person was an attorney, a guardian ad litem, or a court 63
appointed special advocate. 64

(C) Division (A) of this section does not apply to any 65
person who is attempting to resolve a dispute pertaining to the 66
alleged commission of a criminal offense, either prior to or 67
subsequent to the filing of a complaint, indictment, or 68
information, by participating in the arbitration, mediation, 69
compromise, settlement, or conciliation of that dispute pursuant 70
to an authorization for arbitration, mediation, compromise, 71
settlement, or conciliation of a dispute of that nature that is 72
conferred by any of the following: 73

(1) A section of the Revised Code;	74
(2) The Rules of Criminal Procedure, the Rules of Superintendence for Municipal Courts and County Courts, the Rules of Superintendence for Courts of Common Pleas, or another rule adopted by the supreme court in accordance with section 5 of Article IV, Ohio Constitution;	75 76 77 78 79
(3) A local rule of court, including, but not limited to, a local rule of court that relates to alternative dispute resolution or other case management programs and that authorizes the referral of disputes pertaining to the alleged commission of certain types of criminal offenses to appropriate and available arbitration, mediation, compromise, settlement, or other conciliation programs;	80 81 82 83 84 85 86
(4) The order of a judge of a municipal court, county court, or court of common pleas.	87 88
(D) Whoever violates this section is guilty of intimidation of an <u>a guardian ad litem, court appointed special advocate, attorney, victim, or witness in a criminal case.</u> A violation of division (A) of this section is a misdemeanor of the first degree. A <u>If the victim of the offense is a guardian ad litem or a court appointed special advocate, a violation of division (B) of this section is a misdemeanor of the first degree. If the victim of the offense is an attorney, a victim, or a witness, a violation of division (B) of this section is a felony of the third degree.</u>	89 90 91 92 93 94 95 96 97 98
(E) As used in this section, "witness" means any person who has or claims to have knowledge concerning a fact or facts concerning a criminal or delinquent act, whether or not criminal or delinquent child charges are actually filed.	99 100 101 102

Section 2. That existing sections 2921.03 and 2921.04 of 103
the Revised Code are hereby repealed. 104

Section 3. Section 2921.03 of the Revised Code is 105
presented in this act as a composite of the section as amended 106
by both H.B. 88 and H.B. 644 of the 121st General Assembly. The 107
General Assembly, applying the principle stated in division (B) 108
of section 1.52 of the Revised Code that amendments are to be 109
harmonized if reasonably capable of simultaneous operation, 110
finds that the composite is the resulting version of the section 111
in effect prior to the effective date of the section as 112
presented in this act. 113